

Attachment 1: Request for Limited Sources Memo Format

**LIMITED SOURCES JUSTIFICATION**

**ORDER >\$3,000**

**FAR PART 8.405-6**

**2237 Transaction # or Vista Equipment Transaction #: 640-13-2-330-0024 – Health Level License**

This acquisition is conducted under the authority of the Multiple Award Schedule Program. The material or service listed in par. 3 below is sole source, therefore, consideration of the number of contractors required by FAR Subpart 8.4 – Federal Supply Schedules, is precluded for the reasons indicated below.

**Restricted to the following source:**

**Manufacturer/Contractor: Winvale Group LLC.**

**Manufacturer/Contractor POC & phone number:** [REDACTED]

**Manufacturer /Contractor Address: 1012 14<sup>th</sup> St NW, Fifth Floor, Washington, DC 20005**

☒ **The requested material or service represents the minimum requirements of the Government.**

**(1) AGENCY AND CONTRACTING ACTIVITY:**

Department of Veterans Affairs

Network Contracting Office

**VISN:**

21

**(2) NATURE AND/OR DESCRIPTION OF ACTION BEING APPROVED:**

This action requests to limit the competition for the acquisition of additional licenses and user space for the National Tele-radiology Program's radiology analytics system known as "Foundations" to one source.

**(3) (a) A DESCRIPTION OF THE SUPPLIES OR SERVICES REQUIRED TO MEET THE AGENCY'S NEED:**

This acquisition is for the VA National Teleradiology Program (NTP). This is Veteran Affairs (VA) in-house Teleradiology provider, currently supporting 80 Stations across the country with routine, subspecialty and STAT radiology interpretations. During FY12 the NTP more than doubled in size in terms of the sites supported and number of facilities served. In preparation to manage that growth and for sustainment activities as well, the NTP purchased a radiology analytics system in FY11 via competitive procurement (640-C19249). Foundations from Health Level Inc. was selected as the system that best met the needs of NTP as it provides us with the ability to aggregate data across all of our clinical systems and develop measures and monitors to track system and provider performance. The system is interfaced to our Picture Archive & Communication System (PACS), lightning Bolt, our scheduling package and peerVue, our quality assurance/peer review system.

Merging these disparate data feeds into a common analytics database help us to analyze workload trends such as incoming study volume by hour or day or week, physician productivity based on weighted

workload units and track turnaround time by site, by day or a myriad of other variables. The system was purchased with a suite of modules targeted to these areas up to a maximum annual study volume of 400,000 cases.

As NTP has continues to expand, our volume has a need to continue to grow and this procurement seeks to increase/upgrade the license capacity of the existing analytics system from 400,000 cases to 600,000 cases. In addition, two additional modules will be added, one for invoice management and one for STAT case management. Warranty and support for the added modules will be compatible with the existing/parent system.

(b) ESTIMATED DOLLAR VALUE: \$                     

(c) REQUIRED DELIVERY DATE: 30 DAYS ARO

**(4) IDENTIFICATION OF THE JUSTIFICATION RATIONALE (SEE FAR 8.405-6), AND IF APPLICABLE, A DEMONSTRATION OF THE PROPOSED CONTRACTOR'S UNIQUE QUALIFICATIONS TO PROVIDE THE REQUIRED SUPPLY OR SERVICE.**

☒ A patent, copyright or proprietary data limits competition. The proprietary data is:

Winvale Group LLC. is Health Level's GSA reseller and the license increase to our existing system is commercially available through them. The system is proprietary in nature and not an open source analytics package.

☒ The material/service must be compatible in all aspects (form, fit and function) with existing systems presently installed/performing. Describe the equipment/function you have now and how the new item/service must coordinate, connect, or interface with the existing system.

All modifications to the Foundations software must be accomplished by the OEM, Health Level Inc. and Winvale Group LLC.. Any changes by an outside entity would void our initial warranty provisions. The analytics system is a proprietary product that was competitively procured in Fiscal Year 2011. The Contractor Winvale Group LLC. and Health Level Inc. will have employees that require Virtual Private Network (VPN) access in order to maintain the warranty for this procurement.

☒ The new work is a logical follow-on to an original Federal Supply Schedule order provided that the original order was placed in accordance with the applicable Federal Supply Schedule ordering procedures. The original order must not have been previously issued under sole source or limited source procedures.

The contract specialist searched eCMS for existing contract/orders that are similar to the acquisition. There is a similar procurement (VA640-C19249) for the entire system and the software. According to FAR 8.405-6(a)(1)(B) & (C) the new work is a logical follow-on to the original Federal Supply Schedule (FSS) order. The original order was previously competed on e-buy against the FSS suppliers.

**(5) DESCRIBE WHY YOU BELIEVE THE ORDER REPRESENTS THE BEST VALUE CONSISTENT WITH FAR 8.4 TO AID THE CONTRACTING OFFICER IN MAKING THIS BEST VALUE DETERMINATION:**

Federal Supply Schedule (FSS) prices have been negotiated and determined to be fair and reasonable.

**(6) DESCRIBE THE MARKET RESEARCH CONDUCTED AMONG SCHEDULE HOLDERS AND THE RESULTS OR A STATEMENT OF THE REASON MARKET RESEARCH WAS NOT CONDUCTED:**

Market research was not conducted among schedule holders because only Winvale Group LLC. is authorized to market the Health Level License. I searched the primary product number and product name through GSA advantage and only Winvale Group LLC. can provide this product.

**(7) ANY OTHER FACTS SUPPORTING THE JUSTIFICATION:**

Any supporting data that is the responsibility of technical or requirements personnel (e.g., verifying the Government's minimum needs or requirements or other rationale for limited sources) and which form a basis for the justification have been certified as complete and accurate by the technical or requirements personnel. The evidence for this is the "Technical Data to Support a Restricted Competition" in the contract file.

The contract specialist posted a special notice VA261-13-I-1068 with intent to sole source in order to determine if there were any other products or vendors that could provide something of equal substance. The special notice received no responses.

**(8) A STATEMENT OF THE ACTIONS, IF ANY, THE AGENCY MAY TAKE TO REMOVE OR OVERCOME ANY BARRIERS THAT LED TO THE RESTRICTED CONSIDERATION BEFORE ANY SUBSEQUENT ACQUISITION FOR THE SUPPLIES OR SERVICES IS MADE:**

Prior to January 1, 2015 when the extended warranty for the existing system expires, NTP will perform a market survey to determine if a replacement of the analytics system is warranted and will initiate a procurement action for either a replacement system or a maintenance contract.

**(9) REQUIREMENTS CERTIFICATION:** I certify that the requirement outlined in this justification is a Bona Fide Need of the Department of Veterans Affairs and that the supporting data under my cognizance, which are included in the justification, are accurate and complete to the best of my knowledge. I understand that processing of this limited sources justification restricts consideration of Federal Supply Schedule contractors to fewer than the number required by FAR Subpart 8.4. *(This signature is the requestor's supervisor, fund control point official, chief of service or someone with responsibility and accountability.)*

5/28/2013

X

**(10) APPROVALS IN ACCORDANCE WITH FAR 8.405-6(d):**

**a. CONTRACTING OFFICER'S CERTIFICATION (required):** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

\_\_\_\_\_  
CONTRACTING OFFICER'S SIGNATURE

5/29/13  
\_\_\_\_\_  
DATE

\_\_\_\_\_  
PATRICIA BENSON/CONTRACTING OFFICER  
SUPPLY TEAM MANAGER

5/29/13  
\_\_\_\_\_  
FACILITY

**c. NCM/PCM/DESIGNEE:** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

\_\_\_\_\_  
DESIGNEE

05/30/2013  
\_\_\_\_\_  
DATE

\_\_\_\_\_  
NCO 21 NCM